

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

Peter Mergenthaler) Case No. 8-14-74517 (REG)
Debtors) Chapter 7
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Dean Osekavage d/b/a Pathfinders)
USA as assignee of Judith Wetzstein))
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Plaintiff)
)
)
vs.)
)
Peter Mergenthaler)
)
Defendants)
)

Adv. Proc. No.8-15-08005

**ORDER GRANTING THE PLAINTIFF'S CROSS MOTION FOR SUMMARY
JUDGMENT ON THE FIRST CAUSE OF ACTION IN THE COMPLAINT [DOCKET
#10] AND DENYING THE DEFENDANT'S NOTICE
OF SUPPLEMENTAL MOTION [DOCKET #17]**

Upon the Plaintiff's Cross Motion for Summary Judgment on the First Cause of Action in the Complaint ("Plaintiff's Cross Motion") [Docket #10]; and upon the Plaintiff's Reply Declaration [Docket #19]; and

Upon the Defendant Peter Mergenthaler's "Notice of Supplemental Motion for an Order Disqualifying M.B. Levine, Esq., as Attorney for Purported Plaintiff Dean Osekavage and

Granting Appropriate Relief" ("Defendant's Cross Motion] [Docket #17]; and upon the "Declaration of Plaintiff's Attorney In Opposition to Debtor's Supplemental Motion for an Order Disqualifying M.B. Levine, Esq. as Attorney for Plaintiff" [Docket #18]; and

Upon the finding that due and proper notice of the Plaintiff's Cross Motion and the Defendant's Cross Motion were made on all necessary parties; and the Court having held a hearing on the Plaintiff's Cross Motion and the Defendant's Cross Motion on March 30, 2015; and Melissa Levine having appeared for the Plaintiff's Cross Motion and in opposition to the Defendant's Cross Motion; and Peter Mergenthaler having appeared in support of the Defendant's Cross Motion and against the Plaintiff's Cross Motion; ***and upon the Court's finding that the obligation underlying the Plaintiff's Judgment is a domestic support obligation as that term is defined by 11 U.S.C. § 101(14A), and that the underlying obligation was voluntarily assigned to the Plaintiff by the Debtor's ex-spouse for the purposes of collection,*** and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED that the Plaintiff's Cross Motion is granted in all respects and it is found that the Plaintiff's Judgment, in the principal amount of \$1,658,528.26, against Peter Mergenthaler, granted on December 12, 2012 in the Supreme Court of the State of New York, County of Suffolk matter of Dean Osekavage d/b/a Pathfinders, USA v. Peter Mergenthaler and Rosemary Mergenthaler, Index Number 29626/11, and entered at the Suffolk County Clerk's Office on January 14, 2013, a copy of which is attached hereto as Exhibit 1 to this Order, is non-dischargeable, pursuant to 11 USC section 523(a)(5) and (15) and 11 USC section 101(14A); and

ORDERED that the Defendant's Cross Motion is denied in all respects.

Dated: Central Islip, New York
April 3, 2015



Robert E. Grossman
United States Bankruptcy Judge